

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES A. BARNWELL,)	CASE NO. 1:10CV1139
)	
Plaintiff,)	JUDGE BENITA Y. PEARSON
v.)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
Defendant.)	<u>SENTENCE-FOUR REMAND ORDER</u>
)	[Resolving ECF No. 18]

An Administrative Law Judge (“ALJ”) denied Plaintiff James A. Barnwell’s applications for Disability Insurance Benefits and Supplemental Security Income after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and the Court referred the case to Magistrate Judge William H. Baughman, Jr. for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#).

This action is before the Court upon the parties’ Joint Stipulation to Remand to the Commissioner ([ECF No. 18](#)) under sentence four of [42 U.S.C. § 405\(g\)](#),¹ and the Report & Recommendation of Magistrate Judge ([ECF No. 20](#)) recommending that the Court approve the

¹ Sentence four of section 205(g) of the Social Security Act, [42 U.S.C. § 405\(g\)](#), states:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

stipulation. The parties stipulate that the Court reverse the Commissioner's decision and remand the matter to the Commissioner for further proceedings and a new decision. For good cause shown, the stipulation is approved.

Accordingly, the Report & Recommendation of the Magistrate Judge is hereby adopted. The decision of the Commissioner of Social Security is reversed and the case is remanded to the Commissioner for further proceedings and a new decision. On remand, the ALJ shall re-evaluate the medical source opinions of record in assessing Plaintiff's residual functional capacity and determine whether he can perform his past relevant work, or any other work that exists in the national economy. After completing the foregoing and conducting any other record development the ALJ deems appropriate, the ALJ shall issue a new decision.

IT IS SO ORDERED.

March 18, 2011

Date

/s/ Benita Y. Pearson

Benita Y. Pearson
United States District Judge